



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4792

Introduced 1/18/2006, by Rep. William Delgado

SYNOPSIS AS INTRODUCED:

New Act

Creates the Access to Governmental Services Act. Requires each constitutional officer, State agency, circuit court clerk, and State program to provide equal access to public services for individuals with "limited English proficiency". Provides definitions of "equal access", "limited English proficiency", "oral language services", "State program", and "important documents". Reasonable steps to provide equal access to public services by each constitutional officer, State agency, and State program includes, but is not limited to: in-house oral language services for individuals with limited English proficiency, if the agency or office of the Constitutional officer has contact at least weekly with individuals with limited English proficiency; translation of important documents ordinarily provided to the public must be provided in any language spoken by at least 3% of the population within the State, as measured by the U.S. Census. Reasonable steps to provide equal access to public services by each circuit court clerk includes, but is not limited to: in-house oral language services for individuals with limited English proficiency, if the office of the clerk has contact at least weekly with individuals with limited English proficiency; translation of important documents ordinarily provided to the public must be provided in any language spoken by at least 5% of the population within the county served by the circuit clerk, as measured by the U.S. Census; and additional methods necessary to achieve equal access.

LRB094 16768 AJO 52039 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Access
5 to Governmental Services Act.

6 Section 5. Definitions. "Equal access" means to be informed
7 of, participate in, and benefit from public services offered by
8 a State agency, circuit court, constitutional office, or a
9 State program at a level equal to individuals who do not have
10 limited English proficiency.

11 "Limited English proficiency" means:

12 (1) indicated on the U.S. Census as speaking a language
13 other than English and speaking English "not well" or "not
14 at all"; or

15 (2) the inability to adequately understand or express
16 oneself in the spoken or written English language.

17 "Important documents" means application or informational
18 materials, websites, notices, and complaint forms offered by
19 State agencies, constitutional officers, circuit court clerks,
20 and State programs, as defined by rule by the appropriate State
21 agency, constitutional officer, circuit court clerk, or State
22 program. "Important documents" does not include applications
23 and examinations related to the licensure, certification, or
24 registration of businesses and professionals.

25 "Oral language services" includes various methods to
26 provide verbal information and interpretations, such as staff
27 interpreters, bilingual staff, telephone interpreter programs,
28 and private interpreter programs.

29 "State program" means any program administered by a State
30 agency, but does not include any program administered, in whole
31 or in part, by a unit of local government or a school district,
32 regardless of whether State funds are expended under the

1 program.

2 "Sufficient number of qualified bilingual persons in
3 public contact positions" means the number of qualified
4 bilingual persons required in order to provide the same level
5 of service to non-English-speaking persons as is available to
6 English-speaking persons seeking the same service.

7 Section 10. Language access required.

8 (a) Each State agency, constitutional officer, and State
9 program shall take reasonable steps to provide equal access to
10 public services for individuals with limited English
11 proficiency; reasonable steps to provide equal access to public
12 services by a State agency, constitutional officer, and State
13 program include, but are not limited to:

14 (1) having a sufficient number of qualified bilingual
15 persons in public contact positions or as interpreters to
16 assist persons in public contact positions in providing
17 services to individuals with limited English proficiency
18 where there is a documented substantial need due to the
19 nature or extent of contact between a State agency,
20 constitutional officer, circuit court clerk, or State
21 program and individuals with limited English proficiency.

22 (2) translating important documents ordinarily
23 provided to the public into any language spoken by any
24 limited English proficient population that constitutes at
25 least 3% of the overall population of the State, as
26 measured by the U.S. Census. Nothing in this Act requires
27 an executive branch State agency to establish an office in
28 a county where it would not otherwise maintain an office.

29 (b) Each circuit court clerk shall take reasonable steps to
30 provide equal access to public services for individuals with
31 limited English proficiency; reasonable steps to provide equal
32 access to public services by a circuit court clerk include, but
33 are not limited to:

34 (1) having a sufficient number of qualified bilingual
35 persons in public contact positions or as interpreters to

1 assist persons in public contact positions in providing
2 services to individuals with limited English proficiency
3 where there is a documented substantial need due to the
4 nature or extent of contact between the circuit court clerk
5 and individuals with limited English proficiency.

6 (2) translating important documents ordinarily
7 provided to the public into any language spoken by any
8 limited English proficient population that constitutes
9 more than 5% of all residents of the county in which the
10 circuit clerk serves, as measured by the U.S. Census.

11 (c) Each State agency, constitutional officer, circuit
12 court clerk, and State program shall adopt rules regarding the
13 requirements of this Section not less than 6 months after the
14 date that this Act takes effect, or as soon thereafter as
15 possible.

16 (d) The Illinois Human Rights Commission shall implement a
17 process to address disputes arising under this Act, including,
18 but not limited to, disputes concerning the interpretation of
19 "important documents" and "sufficient number of qualified
20 bilingual persons in public contact positions" and agency
21 determinations of the offices where the services are provided,
22 not less than 6 months after the date that this Act takes
23 effect, or as soon thereafter as possible.